# BEST AVAILABLE COPY

ATTORNEY'S DOCKET NO.: \$1022.80580US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Richard FERRANT

Serial No.:

10/717,223

Filing Date:

November 19, 2003

For:

**SMALL SIZE ROM** 

Examiner:

Unassigned

Art Unit:

2818

Confirmation No.: 6020

Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

# PETITION UNDER 37 CFR §1.47(b)

## Sir/Madam:

Pursuant to 37 CFR §1.47(b), applicant hereby requests that the above-identified application be accepted as a complete application.

The present application names Richard Ferrant (hereinafter, "Mr. Ferrant") as the sole inventor and claims priority under 35 USC §365(c) to French Patent Application No. 00/06645, filed May 24, 2000. A copy of the Declaration and Power of Attorney for Patent Application is enclosed herewith.

As evidenced by the attached copies of the letters, memorandums, and e-mail communications dated August 28, 2003, September 9, 2003, September 19, 2003 and October 7, 2003, the Notice of Acknowledgement of Registered Mail, mailed on October 11, 2003, the Federal Express package mailed on June 23, 2004 with confirmation of delivery and the followup e-mail of July 16, 2004, correspondence sent to the last known correspondence address of Mr. Ferrant have not been successful in obtaining signed documents. The attempts to reach Mr. Ferrant by mail, registered letter, e-mail and Federal Express emphasize the diligent effort made to locate Mr. Ferrant and to obtain his signature on a Declaration and Power of Attorney for Patent Application in the above-identified patent application. Despite this diligent effort, Mr. Ferrant has not responded.

07/30/2004 HALI11 00000007 10717223

02 FC:1460

130.00 OP

Serial No.: 10/700,361 -2- Art Unit: 2186

Attached hereto is a copy of the signature page of Mr. Ferrant's Employment Agreement (the "Employment Agreement") with STMicroelectronics S.A.. According to this Employment Agreement, executed by Mr. Ferrant on May 15, 2000, Mr. Ferrant agrees, in writing, that "the company to which I belong, if it deems it useful, may file at its name and at its own expense a patent application, in France, and maybe abroad." As also evidenced by the Agreement, Mr. Ferrant was employed by the Company at the time the invention was made. Thus, STMicroelectronics S.A., represented by the undersigned, has sufficient proprietary interest in this application to submit this petition. Furthermore, STMicroelectronics' rights in the invention are being adversely affected by the inability to obtain Mr. Ferrant's signature on the declaration for this patent.

The last known postal address of Richard Ferrant is:

Mr. Richard Ferrant Le hameau "Suguensau" 29770 Esquibien (Finistère), FRANCE

The petition fee of \$130.00 pursuant to 37 CFR §1.17(h) is also enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23/2825.

Applicant's attorney respectfully requests that this application be accepted pursuant to the provisions of 37 CFR §1.47(b) and that this application be forwarded to examination.

Should any questions arise concerning the foregoing, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Richard Ferrant., Applicant

By:

Daniel P. McLough

Reg. No.: 46,066

WOLF, GREENFIELD & SACKS, P.C.

600 Atlantic Avenue

Boston, Massachusetts 02210

Tel. (617) 720-3500

Express Mail Label No. EV 292564275 US

Mail Date: July 26, 2004

Attorney Docket No.: S1022.80580US01

# Declaration and Power of Attorney for Patent Application

# De la ration et Pouvoirs pour Demande de Brevet

# French Language Declaration

En tant que invente nommé ci-après, je déclare par le présent acte que:

As a below named inventor, I hereby declare that:

Mon domicile, mon adresse postale, et ma nationalité sont ceux figurant ci-dessous à côté de mon nom.

Je crois être le premier inventeur original et unique (si un seul nom est mentionné ci-dessous), ou l'un des premiers co-inventeurs originaux (si plusieurs noms sont mentionnés ci-dessous) de l'objet revendiqué, pour lequel une demande de brevet a été déposée concernant l'invention intitulée:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

# et dont la description est fournie ci-joint à moins que la case suivante n'ait été cochée:

- a été déposée le sous le numéro de demande des Etats-Unis ou le numéro de demande international PCT
- les specifications portant le dossier de l'avocat numero \_\_\_\_\_\_\_ et modifiée le \_\_\_\_\_\_

(le cas échéant).

Je déclare par le présent acte avoir passé en revue et compris le contenu de la description ci-dessus, revendications comprises, telles que modifiées par toute modification dont il aura été fait référence ci-dessus.

Je reconnais devoir divulguer toute information pertinente à la brevetabilité, comme défini dans le Titre 37, §1.56 du Code fédéral des réglementations.

#### **ROM OF REDUCED SIZE**

the specification of which is attached hereto unless one of the following boxes is checked:

- was filed on November 19, 2003 as United States Application Number 10/717,223,
- the specification of which bears attorney docket No. S1022.80580US01,

and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

Page 1 of 3

PTO/SB/105(Rev. 5-95) OMB 0651-0032

#### French Language Declaration

Je revendique par le présent acte avoir la priorité étrangère, en vertu du Titre 35, §119(a)-(d) ou § 365(b) du Code des Etats-Unis, sur toute demande étrangère de brevet ou certificat d'inventeur ou, en vertu du Titre 35, § 365(a) du même Code, sur toute demande internationale PCT désignant au moins un pays autre que les Etats-Unis et figurant ci-dessous et, en cochant la case, j'ai aussi indiqué ci-dessous toute demande étrangère de brevet, tout certificat d'inventeur ou toute demande internationale PCT ayant une date de dépôt précédant celle de la demande à propos de laquelle une priorité est revendiquée.

Prior foreign application(s)

Demande(s) de brevet antérieure(s)

0006645

(Number)

(Numéro)

(Pays)

Je revendique par le présent acte tout bénéfice, en vertu du Titre 35 §119(e) du Code des Etats-Unis, de toute demande de brevet provisoire effectuée aux Etats-Unis et figurant ci-dessous.

(Application No. )
(N° de demande)

(Application No. )
(Filing Date)
(Application No. )
(Filing Date)
(Date de dépôt)

(Date de dépôt)

Je revendique par le présent acte, le bénéfice, en vertu du Titre 35 § 120 du Code des Etats-Unis, de toute demande de brevet effectuée aux Etats-Unis, ou en vertu du Titre 35, § 365(c) du même Code, de toute demande internationale PCT désignant les Etats-Unis et figurant ci-dessous et, dans la mesure où l'objet de chacune des revendications de cette demande de brevet n'est pas divulgué dans la demande antérieure américaine ou internationale PCT, en vertu des dispositions du premier paragraphe du Titre 35, § 112 du Code des Etats-Unis, je reconnais devoir divulguer toute information pertinente à la brevetabilité, comme défini dans le Titre 37, § 1.56 du Code Fédéral des réglementations, dont j'ai pu disposer entre la date de dépôt de la demande antérieure et la date de dépôt de la demande nationale ou internationale PCT de la présente demande:

10/296,421
(Application No.)
(N° de Demande)

(Application No.)
(Application No.)
(N° de Demande)

(Filing Date)
(Filing Date)
(Date de Dépôt)

Je déclare par le présent acte que toute déclaration ci-incluse est, à ma connaissance, véridique et que toute déclaration formulée à partir de renseignements ou de suppositions est tenue pour véridique; et de plus, que toutes ces déclarations ont été formulées en sachant que toute fausse déclaration volontaire ou son équivalent est passible d'une amende ou d'une incarcération, ou des deux, en vertu de la Section 1001 du Titre 18 du Code des Etats-Unis, et que de telles déclarations volontairement fausses risquent de compromettre la validité de la demande de brevet ou du brevet délivré à partir de celle-ci.

I hereby claim foreign priority under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign applications(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below, and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Droit de priorité non revendiqué

24 May 2000

(Day/Month/Year Filed)
(Jour/Mois/Année de dépôt)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or § 365(c) of any PCT international application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

Abandoned
(Status)(Patented, pending abandoned)
(Statut)(breveté, en cours d'examen, abandonné)

(Status)(Patented, pending abandoned) (Statut)(breveté, en cours d'examen, abandonné)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

# French Language Declaration

POUVOIR: En tant que l'inventeur cité, je désigne par la présente l'(les) avocat(s) et/ou agent(s) suivant(s) pour qu''il(s) poursuive(nt) la procédure de cette demande de brevet et traite(nt) toute affaire s'y rapportant avec l'Office des brevets et des marques comme defini par le numéro d'enregistrement du cabinet

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith as defined by Customer Number

# 23828

et les avocats et/ou agents suivants:

and the Practitioners named below:

Lisa K. Jorgenson, Reg. No. 34,845 Mario J. Donato, Jr, Reg. No.. 37,816 Nainesh Shah, Reg. No. 40,166

Adresser toute correspondance à:

Address correspondence to:

James H. Morris Wolf, Greenfield & Sacks, P.C, Federal Reserve Plaza 600 Atlantic Avenue, Boston, MA 02210-2211(USA)

Adresser tout appel téléphonique à: (Nom et numéro de téléphone)

Direct Telephone Calls to: (name and telephone number)

James H. Morris (617) 720-3500

Nom complet de l'unique ou premier inventeur	Full name of sole or first inventor			
	Richard Ferrant			
Signature de l'inventeur Date	Inventor's signature Date			
Domicile	Residence			
	Suguensou, Esquibien, France 29770			
Nationalité	Citizenship			
	French			
Adresse Postale	Post Office Address			
	Suguensou, Esquibien, France 29770			
Nom complet du second co-inventeur, le cas échéant	Full name of second or joint inventor			
Signature de l'inventeur Date	Inventor's signature Date			
Domicile	Residence			
Nationalité	Citizenship			
Adresse Postale	Post Office Address			
(Fournir les mêmes renseignements et la signature de tout co-inventeur supplémentaire.)	(Supply similar information and signature for third and sub-sequent joint inventors.)			
F	Page 3 of 3			



ST

#### Memorandum

## STMicroelectronics

Attention to: Richard Ferrant

From: Chrystelle COSTE, IP & Licensing Department, Crolles

Date: 08/28/03

Subject: Us filing - File 00-GR1-014 & 00-GR1-212

## URGENT PLEASE

In order to regularize the US Filing of the above-referenced file, please insert your name and surname on the enclosed power and documents.

Your surname must be spelled-out in order to be legible by the US examiner.

## Example:

Please send us these documents once signed by return mail.

Prior to September 8, 2003

Very truly yours,

Chrystelle COSTE



# Mémorandum

# **STMicroelectronics**

A l'attention de :

Richard Ferrant

De la part de :

Chrystelle COSTE, IP & Licensing Department, Crolles

Date

08/28/03

Objet

Dépôt aux Etats-Unis - Dossier 00-GR1-014 & 00-GR1-212

# **URGENT SVP**

Pour régulariser le dépôt aux Etats-Unis de la demande de brevet ci-dessus référencée, nous vous remercions de bien vouloir inscrire vos noms et prénoms sur le pouvoir et les documents ci-joints.

Votre nom doit être indiqué en toutes lettres afin d'être lisible par l'examinateur américain.

Exemple: Pierre MARTIN = Pierre Wartin

Merci de nous retourner ces documents signés par retour de courrier.

Avant le 8 septembre 2003

Cordialement,

Chrystelle COSTE Poste: 042 68 12 e-mail September 19, 2003 to Richard Ferrant

Hello,

We have not received the documents sent to you for signature on September 9, 2003.

As the deadlines become urgent, please let me know if you have been able to deal with these documents.

I am sorry to insist but, as you already know, without the documents, the filing can not be done in due time.

Thank you in advance and have a nice week-end.

Very truly yours,

Chrystelle COSTE

Subject: depot US

From: chrystelle.coste@st.com

Date: Fri, 19 Sep 2003 18:13:59 +0200

To: richardferrant@aol.com

# Bonjour M. FERRANI,

Nous n'avons pas reçu en retour les documents que je vous ai envoyés pour signature le 9 septembre dernier.

Nous sommes pressés par des délais qui se raccourcissent rapidement, pouvez-vous me dire SVP si vous avez pu vous en occuper.

Je suis vraiment désolée d'insister mais comme vous le savez déjà sans ces documents signés, le dépôt ne pourra pas être fait dans les temps.

Merci d'avance et très bon week-end à vous.

Cordialement, Chrystelle COSTE IP & Licensing Department Tél. 04.76.92.68.12



Mr. Richard FERRANT Le Hameau "Suguenseau" 29770 ESQUIBIEN

Crolles, September 9, 2003

O/Ref: 00-GR1-146/00-GR1-167/00-GR1-014/00-GR1-212

Subject: DECLARATION & ASSIGNMENT

URGENT PLEASE

Sir,

Please find enclosed the above-referenced documents and send them to us once signed by return mail.

Thank you very much for your cooperation,

Very truly yours,

Chrystelle COSTE IP & Licensing Department



Intellectual Property & Licensing 850, rue Jean Monnet **38926 CROLLES** Ph. 33 4 76 92 68 12 Fax. 33 4 76 92 66 44

> M. Richard FERRANT Le Hameau « Suguensau ».

29770 ESQUIBIEN

Crolles, le 9 SEPTEMBRE 2003

N/Réf.: 00-GR1-146 / 00-GR1-167 / 00-GR1-014 / 00-GR1-212

Objet: <u>DECLARATION & ASSIGNMENT</u>

<u>URGENT SVP</u>

Monsieur,

Nous vous prions de bien vouloir trouver ci-joint les documents cités en objet que vous voudrez bien nous retourner dûment signés par retour de courrier.

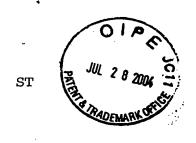
Vous remerciant vivement pour votre collaboration.

Recevez, Monsieur, nos salutations les meilleures.

Chrystelle/CQ\$7 IP & Licensing Фераптент

Tél. 04.76.92.6842

E-mail: chrystelle.coste@st.com ip.france@st.com



Mr. Richard Ferrant Le Hameau "Suguensau" 29770 ESQUIBIEN (Finistère)

CROLLES, October 7, 2003-10-20

O/Ref: Files US 00-GR2-146/00-GR1-167/00-GR1-014/00-GR1-212 Subject: Documents to be signed for US filings

Sir,

Further to our letter of September 9, 2003 and our reminder by e-mail of September 19, 2003, we are still expecting the signed documents for the US filing of the above-referenced files.

We thank you in advance for returning them to us urgently.

The deadlines are now very close; we have until October 17, 2003 for sending them to our agent in order to proceed with the US filing.

We apologize for insisting on this fact but these files must be dealt very urgently.

We rely upon you to sign these documents urgently.

Very truly yours,

Chrystelle COSTE

Encl: Copy of our letter of September 9, 2003 - Our reminder of September 19, 2003 and today.



STMicroelectronics Intellectual Property & Licensing 850, rue Jean Monnet 38926 CROLLES Ph. 33 4 76 92 68 12 Fax. 33 4 76 92 66 44

M. Richard FERRANT

Le hameau « Suguensau »

29770 ESQUIBIEN (Finistère)

Crolles, le 7 OCTOBRE 2003

N/Réf.: Dossiers US 00-GR2-146 / 00-GR1-167 / 00-GR1-014 / 00-GR1-212

Objet: DOCUMENTS A SIGNER POUR DEPOT US

Monsieur,

Suite à notre courrier du 9 septembre dernier et notre relance e-mail du 19-09-03, nous sommes toujours dans l'attente des documents signés pour le dépôt américain des dossiers cités en référence.

Nous vous remercions d'avance de bien vouloir nous les retourner prestement.

Les délais étant maintenant très proche, nous avons jusqu'au 17-10-03 pour les renvoyer à notre agent afin de procéder au dépôt US.

Nous vous prions de nous excuser d'insister ainsi sur ce fait, mais ces dossiers sont désormais à traiter de façon <u>urgente</u>.

Nous comptons vivement sur votre diligence.

Dans l'attente de vous lire,

Recevez, Monsieur, nos salutations les meilleures.

Chrystelle COSTE
IP & Licensing Department
Tél. 04.76.92.68.12
E-mail: chrystelle.coste@st.com

ip.france@st.com

P.J.: Copie de notre courrier du 09-09-03 - Notre relance du 19-09-03 et de ce jour

Je vous faxerai l'AR dès réception

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Hello

I wish to insist on the US documents that I sent to you on September 9, 2003 for the files 00-GR1-146, 00-GR1-167, 00-GR1-014 & 00-GR1-212.

We are now very close to the final deadline, we must send the documents to our agent prior to October 17, 2003.

I am waiting for your answer and thank you very much for your cooperation.

Very truly yours,

Chrystelle COSTE

Subject: DOSSIERS US

From: chrystelle.coste@st.com

Date: Tue, 7 Oct 2003 16:13:54 +0200

To: richardferrant@aol.com

CC: ip.france@st.com, frederic.sahores@st.com

# Bonjour,

Je me permets d'insister concernant les documents US que je vous ai envoyés le 9 septembre dernier pour les dossiers 00-GR1-146, 00-GR1-167, 00-GR1-014 & 00-GR1-212.

Nous arrivons à une date butoire, il faut impérativement que nous renvoyons ces documents au à notre agent avant le 17-10-03.

J'attends de vos nouvelles et vous remercie vivement de votre collaboration.

Cordialement, Chrystelle COSTE IP & Licensing Department Poste: 042-68.12



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# (ENGLISH TRANSLATION OF THE ACKNOWLEDGMENT)

NOTICE OF ACKNOWLEDGMENT OF YOUR REGISTERED MAIL

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POST OFFICE)
29 ESQUIBIEN FINISTERE
4 p.m.
October 18, 2003

Presented on: October 11, 2003

M. Richard FERRANT Le Hameau "Suguensou" 29770 ESQUIBIEN

Distributed on: October 18, 2003

Signature of the addressee:

TO BE RETURNED TO:

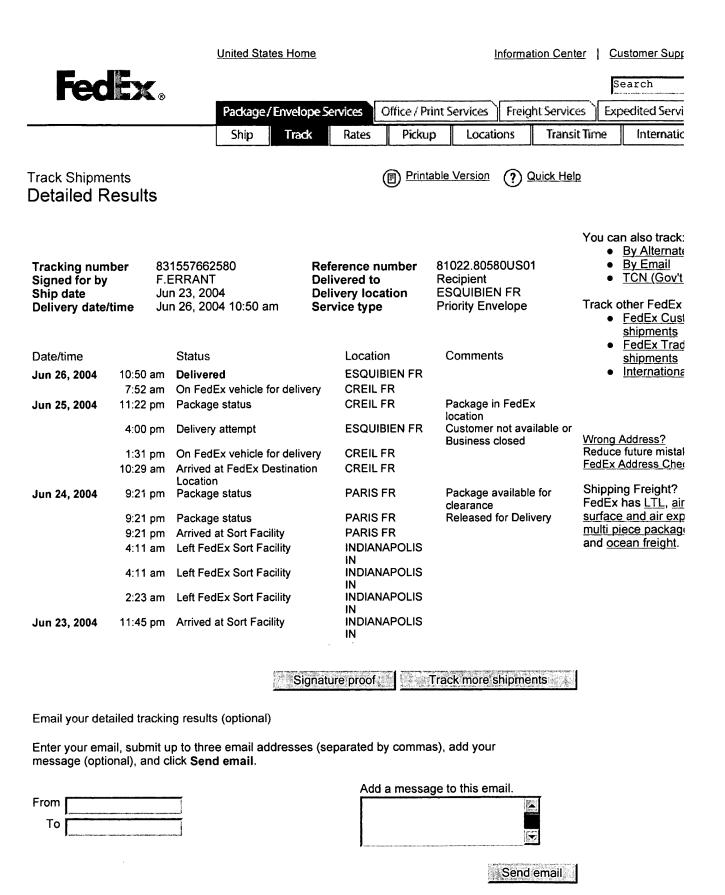
STMicroelectronics 850, Rue Jean Monnet 38926 CROLLES CEDEX Y. Gris

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RETAIN



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Page 1 of 1

## Driscoll, Gail

From: Driscoll, Gail

Sent: Friday, July 16, 2004 11:06 AM

To: 'richardferrant@aol.com'

Subject: U.S. Patent applications Serial Nos. 10/717,223; 10/627,955; 10/745,294 and 10/862,057

U.S. Serial No. 10/717,223 ST Ref. No. 00-GR1-014 ROM OF REDUCED SIZE U.S. Serial No. 10/627,955 ST Ref. No. 00-GR1-146 DRAM REFRESHMENT

U.S. Serial No. 10/745,294 ST Ref. No. 00-GR1-167 MEMORY CIRCUIT WITH SHARED REDUNDANCY U.S. Serial No. 10/717,223 ST Ref. No. 00-GR1-212 CACHE CELL WITH MASKING

## Dear Mr. Ferrant:

I am writing with regard to the four above-identified U.S. patent applications, copies of which were delivered to you via FedEx on June 26, 2004. Enclosed with the patent applications and related drawings were the Declaration and Power of Attorney and Assignment document for each application.

We would very much appreciate it if you could please review the applications, sign and date the Declaration and Power of Attorney and Assignment documents attached to the application and return them to us, as soon as possible, in the enclosed self-addressed, postage prepaid, FedEx envelope.

Thank you in advance for your prompt attention to these matters.

Sincerely,

#### **Gail Driscoll**

Patent Paralegal
Assistant To James H. Morris
email (gdriscoll@wolfgreenfield.com)
Direct dial: 617.646.8347

#### **Wolf Greenfield**

Specialists in Intellectual Property Law
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
tel: 617.646.8000 | fax: 617.646.8646
For more information about Wolf Greenfield, please visit us at
www.wolfgreenfield.com

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## REFERENCE DOSSIER:

# Déclaration individuelle d'une invention de salarié de la catégorie de l'article L.611-7, paragraphe 1, du code de la Propriété Industrielle

Je soussigné(e) Re chart Festant déclare occupant le poste de DRAM Dess & Manager déclare que l'invention présumée, décrite dans le mémoire intitulé :
New ROA Cell without hound line
a été faite par moi,
en partie avec¹
dans une situation correspondant aux termes du paragraphe 1 de l'article L.611-7 de la loi du 1er juillet 1992, modifiée le 5 février 1994, sur les brevets d'invention, dont j'ai pris connaissance (voir au verso).
Il me parait donc opportun que ma Société d'appartenance, si elle le juge utile, dépose à son nom et à ses frais un brevet d'invention, en France, puis éventuellement à l'étranger. Si de tels dépôts sont décidés par mon employeur je m'engage à signer sans délai tous les documents qui me seront présentés à cet effet.
A Crolles 10 28_28_200
Mention manuscrite "lu et approuvé"
Signature Signature
Indiquer le nom des autres inventeurs, lesquels doivent remplir une même formule  Dernière mise à jour : 20 July 1996

#### FILE REFERENCE:

# INDIVIDUAL DECLARATION FOR AN EMPLOYEE INVENTION ACCORDING TO ARTICLE L.611-7, PARAGRAPH 1, OF THE FRENCH INTELLECTUAL PROPERTY CODE

I undersigned Richard Ferrant

employed as eDRAM Design Manager

declares that the presumed invention, described in the memo entitled:

New ROM cell without ground line

was done by me

☐ in part with¹

■ in totality

in a situation corresponding to the terms of paragraph 1 of article L.611-7 of the patent law of July 1, 1992, modified on February 5, 1994, of which I was aware (see on back).

So, the company to which I belong, if it deems it useful, may file at its name and at its own expense a patent application, in France, and maybe abroad. If such filings are decided by my employer, I take the engagement to sign without delay any document that will be presented to me in this purpose.

Done at Crolles on February 23, 2000

Handwritten mention "read and approved"

Signature

1 indicate the name of the other inventors, which must fill in a same form.

Last update: July 20, 1996



Translation of article L.611-7-1 of the French Patent Law

If the inventor is an employee, the right attached to the industrial property title is defined as follows, unless the employee would have a more favourable position as a consequence of his employment contract:

1. The inventions made by the employee in the execution of an employment contract involving that the employee's activities are of a nature capable of generating inventions in the field of his assignment or, in the execution of studies and research activities with which the employee has explicitly been charged, are the property of the employer. The conditions under which the employee, author of such an invention, shall be entitled to an additional remuneration are to be determined by the collective agreements, the company agreements and the individual employment contracts.

If the employer is not subject to a sectorial collective agreement, disputes relating to the additional remuneration are to be submitted to the arbitration committee as provided by article L.615-21 or to the competent District Court (Tribunal de Grande Instance).

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